

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

ACQIS LLC,
Plaintiff,

v.

SONY INTERACTIVE ENTERTAINMENT
INC. AND SONY INTERACTIVE
ENTERTAINMENT LLC
Defendants.

)
)
)
) Case No. 1:23-cv-00822-ADA

)
) JURY TRIAL DEMANDED
)
)
)

**DEFENDANTS' OPPOSED MOTION FOR EXPEDITED BRIEFING ON ITS MOTION
TO STAY CLAIM CONSTRUCTION PROCEEDINGS PENDING RULING ON SONY'S
PETITION FOR WRIT OF MANDAMUS**

Sony respectfully requests an expedited briefing schedule on its concurrently filed Motion to Stay. Specifically, Sony respectfully requests that the Court set a briefing schedule in which ACQIS's opposition to Sony's Motion to Stay is due by 11:00 a.m. Central Time on Friday, August 11, 2023. In an effort to expedite a ruling, Sony agrees to waive its Reply and does not request a hearing. As set forth above, the Court should stay claim construction proceedings, including the *Markman* hearing scheduled for August 11, 2023 until the Federal Circuit has had an opportunity to rule on Sony's mandamus Petition which was also filed today. Absent a stay, Sony will be deprived the opportunity to seek meaningful appellate review prior to the *Markman* hearing. There is good cause to expedite the briefing on Sony's Motion. The Court issued its order denying transfer to the Northern District of California on July 19, 2023, only twenty-three days prior to the *Markman* hearing scheduled for August 11. Sony expeditiously and diligently prepared and filed its Petition and filed the Motion to Stay the same day. Without an expedited briefing schedule, the

Markman hearing will proceed before Sony can obtain a ruling on its Motion to Stay. Sony thus respectfully requests that this Court order the briefing schedule outlined above.

Dated: August 8, 2023

Respectfully submitted,

By: /s/ Melissa R. Smith
Eric A. Buresh (KS Bar 19895)
Mark C. Lang (KS Bar 26185)
ERISE IP, P.A.
7015 College Blvd., Suite 700
Overland Park, Kansas 66211
Telephone: (913) 777-5600
Facsimile: (913) 777-5601
eric.buresh@eriseip.com
mark.lang@eriseip.com

Melissa Smith
Texas State Bar No. 24001351
melissa@gillamsmithlaw.com
Andrew T. Gorham
Texas State Bar No. 24012715
GILLAM & SMITH, L.L.P.
303 South Washington Avenue
Marshall, Texas 75670
Telephone: 903-934-8450
Facsimile: 903-934-9257

*Counsel for Defendants Sony Interactive
Entertainment Inc. and Sony Interactive
Entertainment LLC*

CERTIFICATE OF CONFERENCE

I hereby certify that, on August 8, 2023, counsel for defendant conferred with counsel for plaintiff regarding the relief requested in Sony's Motion for Expedited Briefing. Counsel for plaintiff indicated it opposes Sony's motion.

/s/ Melissa R. Smith

CERTIFICATE OF SERVICE

Pursuant to the Federal Rules of Civil Procedure and Local Rule CV-5, I hereby certify that, on August 8, 2023, all counsel of record who have appeared in this case are being served with a copy of the foregoing via the Court's CM/ECF system

/s/ Melissa R. Smith